IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8363 of 2005

Between:

1 Kanchusthambham Jagan Mohan Rao, s/o Venkata Surya Rao,
r/o Vanapalli Village, Kothapeta Mandal, East Godavari District.
2 Kanchusthambham Jagadeeswara Rao, s/o Jagan Mohan Rao,
r/o Vanapalli Village, Kothapeta Mandal, East Godavari District.
3 Kanchusthambham Venkata Ramayya, s/o Jagan Mohan Rao,
r/o Vanapalli Village, Kothapeta Mandal, East Godavari District.
4 Kanchusthambham Ramachandra Murthy, s/o Jagan Mohan Rao,
r/o Vanapalli Village, Kothapeta Mandal, East Godavari District.

..... PETITIONERS

AND

1 The District Collector, East Godavari District, Kakinada.
2 The Revenue Divisional Officer, Amalapuram, East Godavari District.
3 The Mandal Revenue Officer, Kothapeta, East Godavari District.
4 The Lanka Surveyor, Collectorate, Kakinada, East Godavari District.
5 Pothula Venkata Rama Rao, s/o Adi Narayana,
r/o Vanapalli Village, Kothapeta Mandal, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or a writ more particularly in the nature of writ of mandamus by declaring the action of the respondents No.1 to 4 herein in issuing urgent notice Ref.No.E-/512/2005 dated 31-03-2005 as illegal, arbitrary and unconstitutional and consequently set aside the same and pass such other orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner : MR. POLISETTI RADHAKRISHNA

Counsel for the Respondents : GP FOR REVENUE

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.8363 OF 2005

ORDER:

This writ petition is filed aggrieved by the notice issued by the 4th respondent – The Lanka Surveyor, Collectorate, Kakinada, E.G. District, dated 31-03-2005 calling upon the petitioners to attend the office of the 4th respondent on 6-4-2005 to participate in the survey of the land situated in Sy.Nos.134/1, 135, 127, & 165 of Vanapalli Village, Kothapeta Mandal, E.G. District.

As can be seen from the impugned notice, the survey has been proposed on a representation made by 5th respondent requesting to survey the land in question and hand over the same to him after fixing the boundaries.

The contention of the petitioners is that they are the absolute owners of the land in question and the claim made by the 5th respondent herein is without any basis and therefore the proposed survey is unwarranted and without jurisdiction. The petitioners also state that in the circumstances they got issued a detailed notice

through their counsel on 1-4-2005 to the respondents 1 to 3 by registered post explaining the case of the petitioners.

Though in the impugned notice, the date of survey was mentioned as 6-4-2005, the learned Counsel for the petitioners states that the survey was not conducted on that day and therefore it is necessary in the interest of justice to direct the respondents 1 to 3 to consider the objections raised by the petitioners in their notice dated 1-4-2005 before taking up the proposed survey of the land in question.

The learned Government Pleader appearing for the respondents 1 to 4 submits that even under the impugned notice the petitioners were called upon to produce their title deeds in respect of the land in question so that the same will be examined in the light of the Government Survey Records and the survey will be conducted as per the Field Measurement Records. The learned Government Pleader states now that the petitioners have submitted their objections, the third respondent – Mandal Revenue Officer who is the competent authority will consider the same in accordance with law.

Accordingly, without expressing any opinion as to the ownership claimed by the petitioners, the Writ Petition is disposed of with a direction to the third respondent – Mandal Revenue Officer, Kothapeta, E.G. District to consider the objections raised by the petitioners in their notice dated 1-4-2005 and to pass appropriate orders in accordance with law before taking up the survey as proposed under the impugned notice dated 31-03-2005.

The Writ Petition is accordingly disposed of. No costs.

15th April, 2005.

Note:- CC by 22/4/2005.

(B/O)

gbs

To

1 The District Collector, East Godavari District, Kakinada.
2 The Revenue Divisional Officer, Amalapuram, East Godavari District.
3 The Mandal Revenue Officer, Kothapeta, East Godavari District.
4 The Lanka Surveyor, Collectorate, Kakinada, East Godavari District.
5. Two CCs to G.P. for Revenue, High Court of AP Bldgs, Hyderabad (OUT).

6. Two CD copies.